

January 19, 2012

2011-2012 Legislative Session

Legislative News is a publication prepared and distributed by the SCDMH Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the SCDMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bills online by clicking the link at the end of each description, OR visiting <http://www.scstatehouse.gov>.

This publication is also available on the SCDMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact the Office of Public Affairs by phone at (803) 898-8581 or TLL06@scdmh.org.

Budget Update

On September 30, 2011, the Department submitted its Fiscal Year 2013 budget request for approximately \$16 million in additional State funds. The request sought additional recurring state funds for four items:

- Full funding of the SVP program: \$7,280,841
- Sustaining the current level of mental health services: \$7,000,000
- 5% increase for front-line staff (LPNs and Mental Health Specialists): \$1,230,761
- Outside medical care: \$750,000

The Department also requested one time funds for its prioritized Capital needs:

- Inpatient and Support Buildings Deferred Maintenance - \$10,173,000
- Community Buildings Deferred Maintenance - \$3,333,630
- Columbia Area MHC Carter Street Renovations - \$2,500,000
- Roddey Nursing Home FRTW Roof Replacement - \$3,700,000
- Harris HVAC Renovations - \$7,100,000
- Santee-Wateree MHC Construction - \$9,500,000
- Anderson-Oconee-Pickens MHC Construction - \$12,000,000
- Catawba MHC Construction - \$9,500,000

Finally, the Department also requested one-time funding for some needed non-capital purchases:

- Inpatient Electronic Medical Record - \$4,898,784
- Pharmaceutical Automated Dispensing Machine - \$1,000,000
- Law Enforcement Vehicles, 5 new - \$126,008
- Physical Plant vehicles for patient transport - \$599,148

On January 13, 2012, the Governor's Executive Budget for FY 2012-2013 was released. It proposes the following as it relates to the Department of Mental Health:

Additional State Appropriations:

- \$7,000,000 to maintain service levels for existing clients.
- \$7,280,241 to fully fund the Sexually Violent Predator Program.
- \$750,000 for outside medical care.
- \$600,000 to expand the Home Share Program.
- \$500,000 for emergency room avoidance and diversion-requiring that adults admitted to emergency rooms undergo SBIRT. (**SBIRT = Screening, Brief Intervention, and Referral to Treatment)
- \$500,000 to expand telepsychiatry services.
- \$50,000 to fully restore the Team Advocacy Project

Capital Reserve Fund:

- \$430,000 for renovations to the Sexually Violent Predator Treatment Program unit at the Broad River Correctional Institution.

The budgeting process next moves to the General Assembly, starting in the House of Representatives. The Department will present its next-year's budget request at a House sub-committee hearing on January 25, 2012.

Senate Bills – Click the Bill number to view full text.

[S 187](#) Nursing Homes (Rose)

A bill to provide that nursing homes must carry at least one million dollars in comprehensive general liability insurance to obtain a license, to provide that a nursing home must notify the Department of Health and Environmental Control upon cancellation of a general liability policy, and to provide that a nursing home license shall be revoked upon failure to maintain general liability insurance. Referred to Committee on Medical Affairs, 1/11/11. Medical Affairs Subcommittee met on 2/17/11, and carried the bill over.

[S 294](#) Joint Council on Children and Adolescents (Fair, Hutto, Jackson and Leventis) – Similar [H 3205](#)

A bill to establish the Joint Council On Children And Adolescents, to provide for its members, powers, and duties, including, but not limited to, promoting and facilitating activities to improve access to services for children, adolescents and their families, to provide that client records are confidential, and to provide circumstances under which records may be released. Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell 1/09/12.

[S 859](#) Residential Treatment Facilities for Children and Adolescents That Prohibit Licensure by DHEC (Rose and Fair) – Similar [H 4148](#)

A bill to establish provisions for residential treatment facilities for children and adolescents to prohibit licensure by DHEC of a facility unless it is at least one thousand feet from a school, child care facility, park, public swimming pool, and mass transportation stops and requires a facility to notify law enforcement of the admission of a child who has charges for a violent crime pending or who has been convicted of a violent crime within the previous five years, to provide sanctions for facilities in violation of this requirement, and to require a child to register as a sex offender if the provisions of registration apply to that child's defense. Referred to Committee on Medical Affairs 4/28/11.

[S 1015](#) Health Care Provider Information Disclosure (Hayes, Courson, Knotts and Lourie) – Similar [H 4569](#)

A bill to require a health care provider to give a patient an opportunity to authorize disclosure of certain information to designated family members or other people and to authorize the involvement of designated family members or other people in the treatment of the patient, and to specify information that must be included in the authorization, among other things; and to amend section 44-66-20, as amended, relating to definitions in the Adult Care Consent Act, so as to add definitions. Referred to Committee on Medical Affairs 1/10/12.

House Bills – Click the Bill number to view full text.

[H 3016](#) Commission on Disabilities & Special Needs (Harrison, Horne, G.R. Smith, G.M. Smith and Clyburn)

A bill relating to the creation of the Commission On Disabilities and Special Needs, so as to delete obsolete language; to amend section 44-20-220, relating to the promulgation of regulations by the Commission On Disabilities and Special Needs, so as to delete the provision requiring the commission to consult with the advisory committee of the division to which the regulations apply; to amend section 44-20-230, relating to the

responsibilities of the director of the Department of Disabilities and Special Needs, so as to delete the provision authorizing the director to appoint and remove employees of the department; to amend section 44-20-240, relating to the creation and responsibilities of the Department of Disabilities and Special Needs, so as to delete the provision transferring the responsibility for autistic services from the Department of Mental Health to the department of disabilities and special needs. Referred to Committee on Judiciary, 1/11/11.

H 3150 Behavioral Health Services Act (G.R. Smith, Harrison and G.M. Smith) – Similar H 3229

A bill to enact the "Behavioral Health Services Act of 2011" by adding chapter 10 to title 44 so as to create the Department of Behavioral Health Services composed of the Division of Alcohol and Other Drug Abuse Services and the Division of Mental Health and to make conforming changes, to provide for the Department's powers and duties, including developing and implementing a state plan for the coordinated care and unified delivery of behavioral health services and overseeing the administration and delivery of behavioral health services, to create the Department of Behavioral Health Services Advisory Committee, to provide for the powers and duties of the advisory committee and for the membership of the advisory committee, to authorize the newly created Department to promulgate regulations, and to provide for the Department's administrative powers; to amend section 1-30-10, as amended, relating to departments of state government, so as to add the Department of Behavioral Health Services and make conforming changes; by adding section 1-30-68 so as to transfer all necessary entities from the Department of Alcohol and Drug Abuse Services and the Department of Mental Health to the Department of Behavioral Health Services. Referred to Committee on Judiciary, 1/11/11.

H 3196 Use of Restraints on Juveniles (Brady, Spires, Toole, Butler Garrick, Erickson and Long)

A bill to provide restrictions on the use of restraints on juveniles unless the restraints are necessary to prevent harm and there are no less restrictive alternatives available, to give a juvenile's attorney the right to be heard, and to require findings of fact in support if restraints are ordered. Referred to Committee on Judiciary, 1/11/11.

H 3205 Joint Council on Children and Adolescents (Brady, Spires, Butler Garrick and Erickson) – Similar S 294

A bill to establish the Joint Council on Children and Adolescents, to provide for its members, powers, and duties, including, but not limited to, promoting and facilitating activities to improve access to services for children, adolescents and their families, to provide that client records are confidential, and to provide circumstances under which records may be released. Referred to Committee on Judiciary, 1/11/11.

H 3229 Behavioral Health Services Act (Harrison, G.R. Smith and G.M. Smith) – Similar H 3150

To enact the "Behavioral Health Services Act of 2011" by adding chapter 10 to title 44 so as to create the Department of Behavioral Health Services composed of the Division of Alcohol and Other Drug Abuse Services and the Division of Mental Health and to make conforming changes, to provide for the department's powers and duties, including developing and implementing a state plan for the coordinated care and unified delivery of behavioral health services and overseeing the administration and delivery of behavioral health services, to create the Department of Behavioral Health Services Advisory Committee, to provide for the powers and duties of the advisory committee and for the membership of the Advisory Committee, to authorize the newly created Department to promulgate regulations, and to provide for the Department's administrative powers; to amend section 1-30-10, as amended, relating to departments of state government, so as to add the Department of Behavioral Health Services and make conforming changes; by adding section 1-30-68 so as to transfer all necessary entities from the department of alcohol and drug abuse services and the Department of Mental Health to the Department of Behavioral Health Services. Referred to Committee on Judiciary, 1/11/11. House read third time and sent to Senate 4/14/11. Introduced by Senate 4/19/11 and referred to Committee on Medical Affairs.

H 3421 Division of Alcohol and Other Drug Abuse Services (White)

A bill to delete the Department of Alcohol and Other Drug Abuse Services; to amend section 1-30-70, relating

to the establishment of the Department of Mental Health, so as to establish within that Department the Division of Alcohol and Other Drug Abuse Services; to amend chapter 49, title 44, relating to the functions of the former Department of Alcohol and Other Drug Abuse Services, so as to reconstitute that Department as a division of the Department of Mental Health under the administration of the director of the Department of Mental Health; to repeal section 1-30-20 relating to the functions transferred to the former Department of Alcohol and Other Drug Abuse Services; to provide that the provisions of this act take effect July 1, 2011, and to provide transaction provisions. Referred to Committee on Judiciary, 1/25/11.

H 4148 Residential Treatment Facilities for Children and Adolescents That Prohibit Licensure by DHEC (Limehouse, Murphy and Horne) – Similar S 859

A bill to establish provisions for residential treatment facilities for children and adolescents to prohibit licensure by DHEC of a facility unless it is at least one thousand feet from a school, child care facility, park, public swimming pool, and mass transportation stops, that prohibit the admission of out-of-state clients that are or would be required to register for the sex offender registry and to provide that a facility in violation of this provision is subject to sanctions. Referred to Committee on Medical, Military, Public and Municipal Affairs 4/28/11.

H 4499 Assisted Living Facilities Liability Insurance (J.R. Smith)

A bill to provide an assisted living facility shall maintain certain liability insurance; to amend section 44-7-130, as amended, relating to definitions pertaining to the state certification of need and health facility licensure act, so as to modify a definition; and to amend section 44-7-270, as amended, relating to applications for licensure of certain health care facilities, so as to provide an assisted living facility shall furnish proof of liability insurance coverage to the Department of Health and Environmental Control when filing an application for licensure. Referred to Committee on Medical, Military, Public, and Municipal Affairs, 1/10/12.

H 4513 Adult Protection Coordinating Council (Harrison)

A bill relating to the membership of the Adult Protection Coordinating Council, so as to revise the membership and make technical corrections; and to amend section 43-35-330, relating to the duties of the Adult Protection Coordinating Council, so as to revise the duties of the council and add the requirement that the Council annually prepare and distribute to the membership and the members of the General Assembly a report of the Council's activities and accomplishments for the calendar year. Referred to Committee on Judiciary 1/10/12.

H 4516 Abuse on Vulnerable Adults (Harrison)

A bill relating to the investigation of abuse, neglect, and exploitation of vulnerable adults in certain facilities operated by the state, so as to provide that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the Sexually Violent Predator Act must be referred by the State Law Enforcement Division to the Client Advocacy program of the Department of Mental Health for investigation. Referred to Committee on Judiciary 12/06/11.

H 4569 Adult Care Consent Act (J.E. Smith)

A bill to require a health care provider to give a patient an opportunity to authorize disclosure of certain information to designated family members or other people and to authorize the involvement of designated family members or other people in the treatment of the patient, and to specify information that must be included in the authorization, among other things; and to amend section 44-66-20, as amended, relating to definitions in the adult care consent act, so as to add definitions. Referred to Committee on Medical, Military, Public & Municipal Affairs 1/11/12.